

03500.015094.



*IFW DAC*  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
YUICHI HIGUCHI )  
Application No.: 09/774,694 )  
Filed: February 1, 2001 )  
For: CLIENT-SERVER AND DEVICE, )  
INFORMATION PROCESSING )  
METHOD, PROGRAM AND )  
MEMORY MEDIUM )  
Examiner: L. T. Jacobs  
Art Unit: 2157  
Conf. No. 3090  
August 29, 2005

**Mail Stop: Petitions**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.137(a) TO  
REVIVE UNAVOIDABLY ABANDONED APPLICATION

Sir:

Applicant hereby petitions the Commissioner under 37 C.F.R. §1.137(a) to restore to pending status the above-identified application, which became abandoned for failure to timely reply to a final Office Action dated January 18, 2006.

The Office Action was addressed to "Fitzpatrick Cella Harper & Scinto" (Applicant's attorneys' office) but was never received by Applicant's attorneys, and this case was unavoidably abandoned. Applicant's attorneys became aware of the Office Action on or about July 19, 2006, when the Examiner telephoned them to find out whether a response had been filed. Based on a review of the file jacket of this application, and of the relevant docketing records (identified in detail in the attached Declaration of Mark

09/01/2006 SDENB081 00000000 061235 0977469  
01 FC:1452 500.00 DA

The PTO did not receive the following  
listed item(s) *Cheek # 500.00*

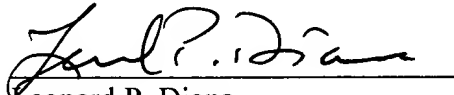
Chanderdatt), Applicant's undersigned attorney states that the Office Action dated January 18, 2006, was never received by his firm.

In conformity with 37 C.F.R. §1.137(a)(1), the undersigned hereby certifies that the entire delay in filing the required reply from the due date of the reply until the filing of this grantable petition was unavoidable. Enclosed is a check in the amount of \$500.00 for payment of the petition fee required under 37 C.F.R. § 1.17(l), and any additional fees required to process this Petition and the accompanying papers should be charged to Deposit Account No. 06-1205.

In view of the foregoing, the Commissioner is respectfully requested to return the above-identified application to pending status, and to re-mail the Office Action in question.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
Leonard P. Diana  
Attorney for Applicant  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 588969v1

03500.015094.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: L. T. Jacobs
YUICHI HIGUCHI	)	
	:	Art Unit: 2157
Application No.: 09/774,694	)	
	:	Conf. No.: 3090
Filed: February 1, 2001	)	
	:	
For: CLIENT-SERVER AND DEVICE,	)	
INFORMATION PROCESSING	:	
METHOD, PROGRAM AND	)	August 25, 2006
MEMORY MEDIUM	:	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF MARK CHANDERDATT

Sir:

I, the undersigned MARK CHANDERDATT, declare and say that:

1. I am the docketing supervisor at the law firm of Fitzpatrick, Cella, Harper & Scinto ("our firm"), 30 Rockefeller Plaza, New York, New York 10112, and have been with the firm for over 9 years.

2. It is our firm's normal practice to keep a record of all documents received from the U.S. Patent and Trademark Office ("PTO") requiring a response within a specified period, i.e., all documents having a "due date." I have personally reviewed our firm's docketing records for responses due on April 18, 2006, for Office Actions dated January 18,

2006, and our firm's records indicate that no Office Action was received from the PTO for Application No. 09/774,694 with a mailing date of January 18, 2006.

3. More specifically, I have reviewed our firm's master docket record and manual docket record for responses due on April 18, 2006, and the records show that no response was due on that date for Application No. 09/774,694, which would correspond to an Office Action with a mailing date of January 18, 2006. Attached, as Exhibit A, are copies of the relevant portions of our firm's master docket record and manual docket record for April 18, 2006, listing responses due on that date.

4. On the copies of the master docket record and manual docket record attached as Exhibit A, a portion of the serial numbers and the attorney docket numbers for listings other than for the subject patent application have been redacted. Information regarding the attorney assigned to each case has also been redacted. This has been done to prevent disclosure of confidential information irrelevant to the issues relating to the subject patent application.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated 8-25-2006

  
Mark Chanderdatt

## DOCKET

JUL 18 2006

USE DUE	ATTORNEY	SERIAL NUMBER	INVENTOR	NATURE OF RESPONSE DUE
1/8/06	✓	269	Ext Intocul 12/07 (qaa) per US email of	
3.73 (W) +	✓	95	Abandon 11/18/07 (qaa) per US email of	
ay	✓	253	Ext to 11/18/07 (qaa) per US email of	
	✓	284	Ext to 11/18/07 (qaa) per US email of	
	✓	170	Ext to 11/18/07 (qaa) per US email of	
	✓	253	Ext to 11/18/07 (qaa) per US email of	
	✓	140	Ext to 11/18/07 (qaa) per US email of	
22	✓	284	Ext to 11/18/07 (qaa) per US email of	
d m.	✓	171	Ext to 11/18/07 (qaa) per US email of	
ce.	✓	2016	Ext to 11/18/07 (qaa) per US email of	
2	✓	146	Ext to 11/18/07 (qaa) per US email of	
	✓	253	Ext to 11/18/07 (qaa) per US email of	
	✓	113	Ext to 11/18/07 (qaa) per US email of	
	✓	303	Ext to 11/18/07 (qaa) per US email of	
VYP	✓	285	Ext to 11/18/07 (qaa) per US email of	
1 per	✓	256	Ext to 11/18/07 (qaa) per US email of	
ce	✓	174	Ext to 11/18/07 (qaa) per US email of	
on	✓	091	Ext to 11/18/07 (qaa) per US email of	
Allowance	✓	145	Ext to 11/18/07 (qaa) per US email of	
elof	✓	228	Ext to 11/18/07 (qaa) per US email of	
2	✓	140	Ext to 11/18/07 (qaa) per US email of	
	✓	079	Ext to 11/18/07 (qaa) per US email of	
	✓	170	Ext to 11/18/07 (qaa) per US email of	
	✓	230	Ext to 11/18/07 (qaa) per US email of	
1 per	✓	199	Ext to 11/18/07 (qaa) per US email of	
ce	✓	107	Ext to 11/18/07 (qaa) per US email of	
ce needed	✓	1201	Ext to 11/18/07 (qaa) per US email of	
06/01	✓	800	Ext to 11/18/07 (qaa) per US email of	
7/18/05	✓	474	Ext to 11/18/07 (qaa) per US email of	
ce	✓	220	Ext to 11/18/07 (qaa) per US email of	
tscl. 9/8/00	✓	835.1	Ext to 11/18/07 (qaa) per US email of	
144	✓	101	Ext to 11/18/07 (qaa) per US email of	
Fee.	✓		Ext to 11/18/07 (qaa) per US email of	
pon	✓		Ext to 11/18/07 (qaa) per US email of	
n Allowance	✓	321	Ext to 11/18/07 (qaa) per US email of	
1/8/06	✓	698.46	Ext to 11/18/07 (qaa) per US email of	
1/8/06	✓	226	Ext to 11/18/07 (qaa) per US email of	
1/8/06	✓	067	Ext to 11/18/07 (qaa) per US email of	
1/8/06	✓	028	Ext to 11/18/07 (qaa) per US email of	
1/8/06	✓	698.46	Ext to 11/18/07 (qaa) per US email of	
1/8/06	✓	792	Ext to 11/18/07 (qaa) per US email of	
1/8/06	✓	698.46	Ext to 11/18/07 (qaa) per US email of	
1/8/06	✓	540	Ext to 11/18/07 (qaa) per US email of	

JUL 18 2006

ATTORNEY	SERIAL NUMBER	INVENTOR	NATURE OF RESPONSE DUE
	645	Amund by hand pu 4/18/06	✓
	194	Kato	✓
	090	Amund + rel 3x + Smt 37CFR 3.73(c) +	✓
	488	Depot	✓
	788	1 RCE + rel 1x	✓
	444	Kumoyama	✓
	002	1 RCE + rel 1x	✓
	058	Amund	✓
	567	1 RCE + rel 1x	✓
	444	Issue Fee + Pub Fee by hand pu.	✓
	570	1 RCE + rel 1x	✓
	940	1 RCE + Prelim	✓
	653	1 RCE + rel 1x	✓
	686	1 RCE + rel 1x	✓
	773	1 RCE + rel 1x	✓
	665	1 RCE + rel 1x	✓
	094	1 Issue Fee + Pub Fee by hand pu	✓
	313	1 RCE + rel 1x	✓
	895	Amund + rel 1x	✓
	220	1 RCE + rel 1x	✓
	183	1 RCE + rel 1x	✓
	039	1 RCE + rel 1x	✓
	793	1 RCE + rel 1x	✓
	785	1 RCE + rel 1x	✓
	182	1 RCE + rel 1x	✓
	765	Amund + rel 1x	✓
	548	1 RCE + rel 1x	✓
	098	1 RCE + rel 1x	✓
	949	1 RCE + rel 1x	✓
	617	1 RCE + rel 1x	✓
	048	1 RCE + rel 1x	✓
	474	1 RCE + rel 1x	✓
	250	1 RCE + rel 1x	✓
	895	1 RCE + rel 1x	✓
	094	1 RCE + rel 1x	✓
	244	1 RCE + rel 1x	✓
	100	1 RCE + rel 1x	✓
	85	1 RCE + rel 1x	✓
	010	1 RCE + rel 1x	✓
	086	1 RCE + rel 1x	✓

# MASTER DOCKET - From 040506 to 042506

Print : 3/28/2006 1:17:01

Page 84

Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	385. #1762; NATL PHASE OF 04-19-2005	[REDACTED]	STATUS: CERTIFICATE OF CORRECTION 643 OF 020700; 1ST RCE 122903; PTA/LP=0; Country of Origin - JAPAN LastUpdate -	953
4/18/2006	385. #1762; NATL PHASE OF 04-19-2005	[REDACTED]	STATUS: CERTIFICATE OF CORRECTION 643 OF 020700; 1ST RCE 122903; PTA/LP=0; Country of Origin - JAPAN LastUpdate -	953
4/18/2006	948. IDS RECD W/APPLN; RCE + Prelim by hand per [REDACTED] on 4/18/06 IPT 031606 - RCE w/PLN	[REDACTED]	Notice-to-Resubmit-Assignment Due	986
4/18/2006	948. FEDX 042803 - 2 P/DOCS; EST. to 5-18-06	[REDACTED]	FINAL 3 month Office Action initial deadline	953
4/18/2006	952. Remarks 1.53B DIV - PAR TO ISSUE; Client will to possibly abandoned this case per DFG (Keep pending for now)	[REDACTED]	1-month restriction 4-month extension	100
4/18/2006	957. Amend A/E by hand per [REDACTED] on 4/18/06	[REDACTED]	FINAL 3 month Office Action initial deadline	984
4/18/2006	995. RCE + Prelim by Com. per VLP on 4/18/06	[REDACTED]	FINAL 3 month Office Action initial deadline	994
4/18/2006	995. Remarks 1ST RCE SENT COM 062404; IPT 031606 - RCE W/PRELIM;	[REDACTED]		994

# MASTER DOCKET - From 040506 to 042506

Print : 3/28/2006 1:17:01

Page 85

Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	<del>082</del>	<del>NO PLWGS needed by U7P on 4/18/06</del>	<del>Partial Drawing Due</del>	<del>384</del>
4/18/2006	<del>0473</del>	<del>LCE + prelim by COM by U7P on 4/18/06</del>	<del>PT 030806 - INSTR;</del>	<del>365</del>
4/18/2006	<del>788</del>	<del>NE - 05-10 5-18-06</del>	<del>PT 030806 - INSTR;</del>	<del>365</del>
4/18/2006	<del>657.1</del>	<del>Country of Origin - JAPAN Last Update - 05-25-2004</del>	<del>Expiry calculation 2</del>	<del>333</del>
4/18/2006	<del>657.1</del>	<del>Country of Origin - JAPAN Last Update - 05-25-2004</del>	<del>Expiry date</del>	<del>333</del>
4/18/2006	<del>098</del>	<del>Amund H/F + Swain transl. by hand by JAB</del>	<del>PT 030806 - INSTR;</del>	<del>098</del>
4/18/2006	<del>019</del>	<del>NO 3/18/06 - 5-18-06</del>	<del>2 month Office Action 3 month extension</del>	<del>005</del>
4/18/2006	<del>770.PG</del>	<del>NO 3/18/06 - 5-18-06</del>	<del>Response to First Written Opinion Due</del>	<del>387</del>



# MASTER DOCKET - From 040506 to 042506

Print : 3/28/2006 1:17:02

Page 86

Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	<del>770-PC</del>	<del>WS PC-BSM 4/17/06</del>	<del>PGT-Intl Prelim Exam Request</del>	<del>387</del>
4/18/2006	Remarks			
4/18/2006	808.1	<del>Country of Origin - JAPAN LastUpdate - 08-11-2004</del>	Expiry date	792
4/18/2006	Remarks			
4/18/2006	808.1	<del>Country of Origin - JAPAN LastUpdate - 08-11-2004</del>	Expiry calculation 2	792
4/18/2006	Remarks			
4/18/2006	264.	<del>(no drawings)</del>	Power of attorney due to be filed	215
4/18/2006	Remarks			
4/18/2006	610.	<del>(RRM) (BASED ON PVL APPLN) LastUpdate - 02-01-2005</del>	Convention-Deadline	
4/18/2006	Remarks			
4/18/2006	610.	<del>(RRM) (BASED ON PVL APPLN) LastUpdate - 02-01-2005</del>	COMPLETE APPLICATION	
4/18/2006	Remarks			
4/18/2006	634.2	<del>FEDX 091589 - IDS Country of Origin - JAPAN LastUpdate - 06-25-2004</del>	Expiry date	425
4/18/2006	Remarks			
4/18/2006	634.2	<del>FEDX 091589 - IDS Country of Origin - JAPAN LastUpdate - 06-25-2004</del>	Expiry calculation 2	425

# MASTER DOCKET - From 040506 to 042506

Print : 3/28/2006 1:17:02

Page 87

Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	818. FLOPPY RCD W/APLN;	<del>XXXXXXXXXX</del>	STATUS CK+24	<del>XXXXXX</del> 931
4/18/2006	818. FLOPPY RCD W/APLN;	<del>XXXXXXXXXX</del>	STATUS CK+24	<del>XXXXXX</del> 931
4/18/2006	800. NATL PHASE OF PCT/JP03/06327 OF 052103; FEDX 121203 - FLOPPY;	<del>XXXXXXXXXX</del>	3-month Office Action 2 month extension	<del>XXXXXX</del> 104
4/18/2006	525. IPT 020306 - Amend okay;	<del>XXXXXXXXXX</del>	Power of attorney due to be filed	<del>XXXXXX</del> 113
4/18/2006	375.2 Country of Origin - JAPAN Last Update - 05-19-2004	<del>XXXXXXXXXX</del>	Expiry calculation 2	<del>XXXXXX</del> 366
4/18/2006	375.2 Country of Origin - JAPAN Last Update - 05-19-2004	<del>XXXXXXXXXX</del>	Expiry date	<del>XXXXXX</del> 366
4/18/2006	643. Amend by hand on 4/18/06	<del>XXXXXXXXXX</del>	3-month Office Action initial deadline	<del>XXXXXX</del> 414
4/18/2006	427. FLOPPY RCD W/APLN;	<del>XXXXXXXXXX</del>	Convention Check	<del>XXXXXX</del> 194



# MASTER DOCKET - From 040506 to 042506

Print : 3/28/2006 1:17:02

Page 89

Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	<del>Extend per [redacted] 4/18/06</del>	<del>[redacted]</del>	<del>3 month Office Action initial deadline</del>	<del>28-418-02</del>
Remarks	FLOPPY RCD W/APLN;  See above			
4/18/2006	<del>765:</del>	<del>[redacted]</del>	<del>Drawings Correction Due</del>	<del>548</del>
Remarks	FLOPPY RCD W/APLN;  Amend + pet 3x by com on 4/18/06			
4/18/2006	<del>00862-022664:</del>	<del>[redacted]</del>	<del>3 month Office Action - 3 month extension - La 10/192159</del>	<del>28-418-02</del>
Remarks				

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☒ BLACK BORDERS

☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

☐ FADED TEXT OR DRAWING

☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING

☐ SKEWED/SLANTED IMAGES

☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS

☐ GRAY SCALE DOCUMENTS

☒ LINES OR MARKS ON ORIGINAL DOCUMENT

☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**